Before the FEDERAL COMMUNICATIONS COMMISSION Washington, DC 20554

In the Matter of)	
)	
Applications of Sprint Nextel Corporation,)	IB Docket No. 12-343
Transferor)	
S-CD I-C)	
SoftBankCorp., and Starburst II, Inc.,	į	
Transferees)	
Joint Applications for Consent to Transfer of)	
Control of Licenses, Leases, and)	
Authorizations; and Petition for Declaratory)	
Ruling under Section 310(b)(4) of the)	
Communications Act of 1934, as amended)	

To: The Commission

COMMENTS OF EBS LICENSEES:

HISPANIC INFORMATION AND TELECOMMUNICATIONS NETWORK, INC. NORTH AMERICAN CATHOLIC EDUCATIONAL PROGRAMMING FOUNDATION, INC.

Hispanic Information and Telecommunications Network, Inc. ("HITN") and North American Catholic Educational Programming Foundation, Inc. ("NACEPF") hereby submit the following comments related to the license transfer petition application of Sprint Nextel Corporation.

SUMMARY

Educational Broadband Service (EBS) spectrum comprises a significant portion of the spectrum that is the subject of the license transfer petition. As the two largest holders of EBS licenses and representative members of the EBS Licensee community, HITN and NACEPF urge the Commission to:

- (i) Take into account the level of commitment of Sprint or any other acquiring company to timely complete the nationwide wireless broadband network rollout envisioned by the Commission in 2004, and
- (ii) Ensure that any acquiring company respects the rights of licensees and their obligations to the Commission to provide educational service.

In considering this petition and any petition that may follow by any other operators leasing the excess capacity on EBS spectrum, public policy demands that the Commission carefully assess the impact of the transfer on the delivery of the educational broadband services from which this spectrum takes its name and assure the EBS licensees fair access to the benefits reaped by the lessees of the excess capacity.

DISCUSSION

In an effort to "make significant progress towards the goal of providing all Americans with Access to ubiquitous wireless broadband connections, regardless of their location" the Commission in 2004 reconfigured the 2.5 GHz band to facilitate its use for commercial and educational wireless broadband services. Pursuant thereto, many EBS licensees revised or entered into new long term leases with Clearwire that allowed for the provision of commercial wireless service. Clearwire fulfilled the gargantuan build out benchmark required for the substantial service showing by licensees and assisted them in meeting their substantial service obligations. Unfortunately, the shift towards LTE technology and the economic downturn have delayed the nationwide rollout of the ubiquitous wireless broadband connections envisioned by the Commission in 2004.

While Clearwire's herculean efforts to achieve all of these tasks should be acknowledged, it remains true that the full potential of educational broadband service has not yet been realized. Most EBS licensees have access to working broadband devices; however, in many parts of the country such devices are only usable within small islands of service. Only when such markets, regardless of location, are fully launched, and service universally available, with uniform device and connection standards, will the compact between educator and operator contained within the private contracts, and facilitated by the Commission's policies, be fully achievable.

Accordingly, as the Commission considers the instant request, or any subsequent request, for the transfer of substantially all of the amassed spectrum in the 2.5 GHz Band, HITN and NACEPF respectfully request that it do so with proper consideration to the level of commitment espoused by Sprint, or any other acquiring company, to complete the nationwide rollout, and that it further consider how to best ensure the timely expansion of all educational broadband markets.

Further, HITN and NACEPF believe it incumbent upon the Commission to ensure that the rights and obligations of all EBS licensees with respect to the spectrum are respected by

¹ See Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 03-66, 19 FCC Red 14165, at ¶1 (2004).

Sprint, or any other acquiring company, and that this shared resource truly benefit the licensee as well as the operator. We commend Clearwire for its commitment to the educational missions of the EBS licensees and the level of partnership Clearwire has provided to its licensees. That partnership often times goes beyond the four corners of the lease agreements, and it is our desire to see that Sprint, or any acquiring company, clearly demonstrate the same level of commitment to EBS licensees and their educational missions.

However the current drama ends that is being played by major telecommunications companies for control of the minority shares of Clearwire Corporation, the Commission now has the opportunity to evaluate the commitment of these companies to educational broadband services and to devise appropriate measures to bolster and enhance the educational imperative that grounds the EBS spectrum, and we urge the Commission to do so.

RESPECTFULLY SUBMITTED

Hispanic Information and Telecommunications Network, Inc.

By: /s/ Jose Luis Rodriguez

Jose Luis Rodriguez

President

North American Catholic Educational Programming Foundation, Inc.

By: /s/ John Primeau

John Primeau

President

June 27, 2013

² The public policy underlying the EBS spectrum is realized if mutual benefit of this shared resource is assured, which could be advanced by: (i) requiring that operators provide EBS licensees with access to the most advanced network services implemented on the 2.5 GHz band as those advanced network services are made available to any other end users of the band, and (ii) further refining the scope of the five percent reserve capacity requirement in a manner that compels the co-equal treatment of EBS licensed spectrum with all other spectrum of the operator so as to ensure that educational broadband services are accorded an appropriate share of the resources on the networks.

Certificate of Service

I hereby certify that on this 27th day of June 2013, I caused true and correct copies of the foregoing Comments of EBS Licensees: Hispanic Information and Telecommunications Network, Inc. and North American Catholic Educational Programming Foundation, Inc. to be served by electronic mail to:

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